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Attorneys for Defendants
8 WELLS FARGO INSURANCE, INC., AND
WELLS FARGO BANK, N.A.
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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA — SAN FRANCISCO DIVISION
12

13 CLIFFORD MCKENZIE, JANET
MCKENZIE, DANIEL BIDDIX, RICHARD
14 PEREZ, GILDA PEREZ, and ROBERT
MCWHORTER on behalf of themselves and
15 all others similarly situated,

16 Plaintiffs,

17 vs.

18 WELLS FARGO BANK, N.A., WELLS
FARGO INSURANCE, INC.,
19

20 Defendants.
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Case No. 3:11-cv-04965-JCS

**STIPULATION OF VOLUNTARY
DISMISSAL; ~~PROPOSED~~ ORDER**

Assigned for all Purposes to
Magistrate Judge Joseph C. Spero

22 Plaintiffs Clifford McKenzie, Janet McKenzie, Daniel Biddix, Richard Perez, Gilda Perez,
23 and Robert McWhorter (together “Plaintiffs”), and Wells Fargo Bank, N.A. and Wells Fargo
24 Insurance, Inc. (together “Defendants”), through their attorneys of record, hereby agree and
25 stipulate as follows:

26 A. Whereas Plaintiffs filed their Fourth Amended Class Action Complaint on
27 January 7, 2014 (the “Complaint”);
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1 B. Whereas, in the Complaint, Plaintiffs make certain allegations against Defendants
2 relating to Defendants' residential flood insurance requirements and practices which allegations
3 Plaintiffs purported to assert both individually and on behalf of various classes of plaintiffs;

4 C. Whereas, Defendants denied that their actions were wrongful in any respect with
5 regard to Plaintiffs and any putative class;

6 D. Whereas, court approval of a settlement, voluntary dismissal or compromise under
7 Federal Rule of Civil Procedure 23(e) is required only for "certified class" actions and the
8 Advisory Committee Notes for Rule 23(e) state that court approval is required only if "the claims,
9 issues, or defenses of a certified class are resolved by a settlement, voluntary dismissal, or
10 compromise," rejecting the view that court approval is required for settlements "with putative
11 class representatives that resolved[] only individual claims." See Rule 23 Advisory Committee
12 Notes, 2003 Amendments;

13 E. Whereas, the court has never certified any class in this case under Federal Rule of
14 Civil Procedure 23;

15 F. Whereas, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), a plaintiff
16 may dismiss an action by filing a stipulation of dismissal signed by all parties who have appeared;

17 G. Whereas, the parties have reached a settlement of Plaintiffs' individual claims
18 against Defendants in which the Plaintiffs' individual claims will be dismissed with prejudice and
19 the claims of members of any putative class will be dismissed without prejudice;

20 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE THAT:

21 All of the individual claims and allegations brought by Clifford McKenzie, Janet
22 McKenzie, Daniel Biddix, Richard Perez, Gilda Perez, and Robert McWhorter against Wells
23 Fargo Bank, N.A. and Wells Fargo Insurance, or any of them, are hereby dismissed with
24 prejudice. All claims and allegations of any putative class members are hereby dismissed without
25 prejudice.
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1 DATED: March 23, 2015

SEVERSON & WERSON
A Professional Corporation

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4 By: /s/ Michael J. Steiner
Michael J. Steiner

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6 Attorney for Defendants
WELLS FARGO BANK, N.A. and WELLS FARGO
7 INSURANCE, INC.

8 DATED: March 23, 2015

NICHOLS KASTER, PLLP

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11 By: /s/ Kai Richter
Kai Richter

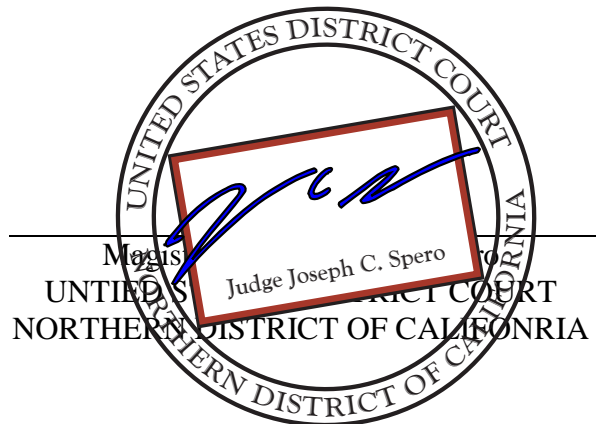
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13 Attorney for Plaintiffs
CLIFFORD MCKENZIE, JANET MCKENZIE,
14 DANIEL BIDDIX, RICHARD PEREZ, GILDA
15 PEREZ, and ROBERT MCWHORTER
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[PROPOSED] ORDER

Pursuant to Rule 23(e) and Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and pursuant to the stipulation of the parties, Clifford McKenzie, Janet McKenzie, Daniel Biddix, Richard Perez, Gilda Perez, and Robert McWhorter's individual claims are hereby dismissed with prejudice and the claims of the putative class members are hereby dismissed without prejudice.

IT IS SO ORDERED.

DATED: March 24, 2015



ATTESTATION UNDER CIVIL L.R. 5-1(i)(3)

I, Michael J. Steiner, am the ECF User whose ID and password are being used to file this stipulation of voluntary dismissal and proposed order. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Rai Richter has concurred in this filing.

/s/ Michael J. Steiner

Michael J. Steiner